File No. 4

Collecti

1889.

Bengal Presidency

11.2.11

24.1.07

Pros. Serial Nos.

Subject.

Amendment of section 103 of the Bengal Municipal Legislative A. 1884, for prevention children from committing nuisance in public streets & drains

Previous References.

Later Reference



MGIPC—FP—52DCTMis.—(1788)—27-5-15—30,000

RESIDENT'S OFFICE.

OFFICE NOTE.

FILE No. 14 of 1889

Amendment of section 103 of the Bangalore Municipal Regulations of 1883.

The Municipal Commissioners, with a view to prevent children from committing nuisances in public streets, propose an amendment ~~to~~ of section 103 of the Regulations. The amendment should be sanctioned by the Government of India.

2. The President proposed the amendment, but Mr. Campbell suggested an amendment to the wording; ~~but~~ the President's wording however, was approved by the majority of the Commissioners present at the meeting.

3. The Section, as it now stands, and as it would stand by the several amendments proposed, is written below:-

## Section 103

**Existing**

Whoever causes or allows the water from any sink, or sewer, or privy or any other offensive liquid matter belonging to him or being on his land, to run down, or be thrown or put upon any street, or causes or allows any offensive matter from any privy or cesspool to run down, or be thrown into a surface drain in any street† shall be liable to a penalty not exceeding ten rupees for each offence.

**Mr. Campbell's proposal**

Sec. 318 Bom. Act

~~And~~ whoever having the care or custody of any child under twelve years of age omits to prevent such child from committing a nuisance in or by the side of any street, shall be liable to a fine not exceeding Rs 5.

**Board's amendment**

†Add or allows their children under 12 years of age to commit a nuisance in the public drains streets or streets

† According to Mr Campbell, the fine would only amount to Rs 5/- but the Municipal Council deemed that it should be Rs 10/-

*(Continuation of Note or Precis.)*

5. The Board's amendment, it is submitted, ~~does not go far enough~~ to ~~meet the objections to the amendment~~, if approved, may be worded thus:-

"Whoever causes or allows the water of any sink, or sewer, or privy, or any other offensive liquid matter belonging to him or her or being on his or her land, to run down, or be thrown or put upon any street, or causes or allows any offensive matter from any privy or cesspool to run down, or be thrown into a surface drain in any street, or allows his or her child under 14 years of age to ease itself in a public drain, shall be liable to a penalty not exceeding ten rupees for each offence."

6. If a further reference is unnecessary to the President as regards the wording of the amendment the matter may be submitted for the sanction of the Govt of India.

7. Case submitted for favour of orders.

HS.
10-1-89.

8. The Sec. of the Madras Act, I think, puts it cheaper. A parent or guardian may perhaps "allow" his or her child to commit a nuisance, but how the magistrate can take precautions to prevent the child committing a nuisance — See discussion on the subject. pages 12–16 of Short Land Proceedings in file ——.

HC 15.1.89

9. We may forward the Commissioner's amendment, putting it into English. I should have the right it would have been [illegible] to adopt the Madras section bodily,

(Continuation of Note or Precis.)

but it is a trifle. I don't know why orphans should be allowed the privilege -

10. I would call Res[t]'s attention to Sir Harry Prendergast's remarks on the letter, dated 8[th] inst: at the top of Fol N[o] 68.

15/1 GE

11. I think we may point out to the President that under his wording the orphans may commit mischief & the fatherless that schoolmasters ~~will~~ will not be called in to prevent them ~~from~~ escaping themselves in the street and ask him to amend his draft accordingly

15/1/-

12. Draft to the President submitted for favour of approval.

AS.
19-1-89

13. Letter to President issued No. 256 of 24-1-89.

S. N[o] 2

4. With letter No. 678/3296 dated 26th February 1889 the President, Municipal Commission forwards a copy of the Board's Resolution of 23rd idem regarding the amendment of Sec: 103 of the Bangalore Municipal Regulations of 1883.

5. The proposed amendment of Sec: 103 has been withdrawn, and the introduction of a separate Section - 103. A - embodying boldly the corresponding Madras Section, is advocated, which is as follows:

"Whoever having the care or custody of any child under twelve years of age omits to prevent such child from Committing a nuisance in or by the side of any street, shall be liable to a fine not exceeding Rs 5/-"

16. Provision is made by the introduction of this additional section to prevent orphans & fatherless children also from Committing nuisances. It may further be observed that the fine of Rs 10 originally

Sl. No. 2

(*Continuation of Note or Precis.*)

originally proposed has been reduced by half. There was some contention to change the wording by the insertion of the word "permits" in lieu of the words "omits to prevent", but the latter words were retained by the casting vote of the President.

17. The matter may now be submitted for the sanction of the Govt. of India. Draft submitted for favour of approval.

H.H. 2-3-89 [illegible] 2/4/3. [illegible] 6/3

18. Letter to the Foreign Dept. issued No. 845/149 dated 11th March 1889 O.R.

D. No. 4

S. No. 5.

19. In Notification No. C. I. dated 3rd April 1889 by the Govt. of India, Foreign Department, is published the draft Notification forwarded with D. No. 4 in regard to the prevention of nuisances by children in the public streets & drains.

20. Draft endorsement forwarding a copy of the Notification to the Municipality only for approval. H.H. 22-4-89 [illegible] 2/4

End: to the Municipality of the City of Bath
issued. No 1488 of 6th May 1889.

No. 512 & 2nd
329

OFFICE OF THE MUNICIPAL COMMISSION,
CIVIL & MILITARY STATION,
Bangalore, 8th January 1889.

FROM

THE PRESIDENT,
MUNICIPAL COMMISSION,
CIVIL & MILITARY STATION,
BANGALORE.

85
9.1.89

TO

The Assistant to the Resident in Mysore,
BANGALORE.

SIR,

I have the honor to enclose a copy of Board's Resolution No 10 dated 22nd December 1888, together with a copy of the proposed amendment of section 103 of the Bangalore Municipal Regulations of 1883, and to request that you will be so good as to submit the same, with the approval of the Resident, for the early sanction of the Government of India.

2. By the proposed amendment it is hoped that the nuisance at present committed by children in the public streets and drains in the Native quarters with

with impunity and none unchecked by their parents, will be stopped.

I have the honor to be

Sir

Your most obed[illegible] Servant

[illegible] Smyth

Pres[illegible]dent

Abstract of proceedings of an ordinary meeting of the Municipal Commissioners for the Civil & Military Station of Bangalore dated 22nd December 1888.

× × ×

10. Read - Proposal by the President that section 103 of the Bangalore Municipal Regulations of 1883, be amended to prevent children from committing nuisances in public Streets.

Amendment by Mr. R. P. Campbell, that the wording in Section 318 of the Madras Act I of 1884, be substituted for the amendment proposed by the President.

10 against the amendment and 2 for it.

The amendment of this section 103 of the Bangalore Regulations, as proposed by the President, will be forwarded to the Resident for incorporation in the Regulations.

H/ H.M.S: Magrath

President

Copy

H.M.S. Magrath

President

Proposed amendment of section 103 of the Bangalore Municipal Regulations of 1883, (additions noted in red ink).

---

103. Whoever causes or allows the water of any sink, or sewer, or privy or any other offensive liquid matter belonging to him or being on his land, to run down, or be thrown or put upon any street, or causes or allows any offensive matter from any privy, or cesspool to run down, or be thrown into a surface drain in any street, and allowing their children under 14 years of age to ease themselves in the public drains, dust bins or streets, shall be liable to a penalty not exceeding ten Rupees for each offence.

J. Thomason

President

13

2/

Serial No.

RESIDENT'S OFFICE

[DRAFT.]—For approval.

No. 256/1489

To The President, Municipal Commissioners
(thro Station of Ungalwe

Dated 24th January 1889.

Sir,

I am directed to acknowledge the receipt of your letter No. 542/3298 dated 8th January 1889, forwarding a copy of the Board's Resolution of 22nd December 1888 together with the draft amendment of Sec. 103 of the Ungalwe Municipal Regulations of 1883, so as to prevent children committing nuisances in public streets.

2. In reply, I am to point out that, under the present wording of the proposed amendment, children will be orphans and fatherless, and may at liberty to commit nuisances with impunity.

and

and ~~that~~ Schoolmasters will
not be called on to prevent
their pupils from easing themselves
in the Street. I am to request that you will bring this
consideration to the notice of Mr Cowie's Board that they may be requested
~~the draft may be amended~~
to amend the draft
accordingly, when it will be
submitted for the approval of
the Government of India

I have, &c.

C. Le 21/1
Asst to the Board

A.J.
19-1-85 21/1

No. 678 & 2 Encl:
3296

OFFICE OF THE MUNICIPAL COMMISSION,
CIVIL & MILITARY STATION,
Bangalore, 26th February 1889.

FROM

THE PRESIDENT,
MUNICIPAL COMMISSION,
CIVIL & MILITARY STATION,

To

The Assistant to the Resident in Mysore,
BANGALORE.

SIR,

With reference to your letter No. 256/1489 dated 24th January 1889, I have the honor to forward a copy of Board's Resolution No 6, dated 23rd February 1889, together with Section 103A of the Bangalore Municipal Regulations of 1883, duly amended as directed, and to request that you will be so good as to obtain the sanction of the Resident, and the approval of the Government of India to the proposed addition to the Regulations, at your earliest convenience.

I have the honor to be
Sir
Your most obedient
servant
President

Extract of Proceedings of an ordinary Meeting of the Municipal Commissioners for the Civil and Military Station of Bangalore, dated 22nd February 1889.

× × ×

6. Read- Letter No. 256/147, dated 21st January 1889, from the Assistant to the Accountant, pointing out that orphans and fatherless children are not affected by the proposed amendment of Section 103 of the Bangalore Municipal Regulations of 1883, and requesting that the draft be so altered as to provide for the same.

Proposed by Mr Campbell that the Section 103 of the Municipal Regulations be amended as follows:- before the words "shall be liable" the following words be inserted- "and whoever having the care and custody of any child under 12 years of age omits to prevent such child from committing any of the aforesaid breaches of Conservancy or Committing a nuisance of any kind in or by the side of any Street."

Seconded by Mr Hayes.

Amendment by Mr G. W. Smith,

that

that the words "omits to prevent" be excluded and the words "neglects permits" be inserted instead.

Seconded by Mr Thirunavukarasu Mudaliar

---

Mr Campbell withdrew his proposition and proposed that the words "Where having the care or custody of any child under 12 years of age omits to prevent such child from committing a nuisance in or by the side of any street" be added.

Mr Cook seconded this proposition.

---

Mr Smith's amendment for insertion of the words "permits" in lieu of "omits to prevent".

Seconded by Mr Thirunavukarasu Mudaliar.

Seven against seven for and against. The President gives his casting vote in favour of Mr Campbell's last proposition.

Copies Thomas Traphagen

President.

Copy

T. Thomas Traphagen

President.

Proposed addition to Section 103A of the Bangalore Municipal Regulation of 1883:—

Section 103A. Whoever having the care or custody of any child under twelve years of age omits to prevent such child from Committing a nuisance in or by the side of any street, shall be liable to a fine not exceeding Rupees five.

Penalty for omitting to prevent child from committing nuisance.

J Macnaghten

President.

*Serial No.*

RESIDENT'S OFFICE.

[DRAFT.]—For approval.

*No.* 845/149

*To* The Secretary to the Government of India, Foreign Department

*Dated* 11 March 1889.

Sir,

The Municipal Commissioners of Bangalore of the Civil and Military Stations having represented to me the want of provision in the Bangalore Municipal Regulations of 1883 for the prevention of nuisances committed by children in the public streets & drains in the native portion of the town City, I have the honour to submit, for the approval of the Government of India & publication in the Gazette of India, a draft notification making the necessary provision

provision in the Regulations. I may mention that the proposed addition corresponds with Section 318 of the City of Madras Municipal Act 1883 (Madras Act No. 1 of 1884).

2. I beg to enclose, for the information of the Govt. of India, a copy of the correspondence that passed between this Office & the President of the Municipality on the subject.

1 Nos. Nos. 1, 2 & 3.

No. 542/3298 of 8 Jany. 89 from the President-in-C. with enclosure

" 256/149 of 24 Jany. 89 to do

" 678/3298 of 26 Feb. 89 from do with enclosure

I have, &c.

Resident.

No. 2-3-89

5

**Addition of a provision to the Bangalore Municipal Regulations of 1883.**

No. 845-149, dated Bangalore, the 11th March 1889.

From—Colonel Sir O. St. John, K.C.S.I., Resident in Mysore,

To—The Secretary to the Government of India, Foreign Department.

The Municipal Commissioners of the Civil and Military Station of Bangalore having represented to me the want of provision in the Bangalore Municipal Regulations of 1883 for the prevention of nuisances committed by children in the public streets and drains in the native portion of the city, I have the honour to submit, for the approval of the Government of India and publication in the *Gazette of India*, a draft notification making the necessary provision in the Regulations. I may mention that the proposed addition corresponds with section 318 of the City of Madras Municipal Act, 1883 (Madras Act No 1 of 1884).

---

*DRAFT NOTIFICATION.*

The Governor-General in Council is pleased to add the following section between sections 103 and 104 of the Bangalore Municipal Regulations published under Foreign Department Notification No. 319-I., dated the 9th February 1883:—

"103-A. Whoever having the care or custody of any child under 12 years of age omits to prevent such child from committing a nuisance in or by the side of any street, shall be liable to a fine not exceeding R5."

Penalty for omitting to prevent children from committing nuisance.

---

No. C.I., dated Simla, the 3rd April 1889.

*NOTIFICATION*—By the Government of India, Foreign Department.

The Governor-General in Council in pleased to insert the following section between sections 103 and 104 of the Bangalore Municipal Regulations published under Foreign Department Notification No. 319-I., dated the 9th February 1883.

"103-A. Whoever having the care or custody of any child under 12 years of age omits to prevent such child from committing a nuisance in or by the side of any street, shall be liable to a fine not exceeding R5."

Penalty for omitting to prevent children from committing nuisance.

---

No. D.I.

A copy of the foregoing Notification is forwarded to the Resident in Mysore, for information, with reference to his letter No. 845-149, dated the 11th March 1889.

Exd.—B. M.

Draft Notification

The Governor General in Council is pleased to add the following section between sections 103 & 104 of the Bangalore Municipal Regulations published under Foreign Department Notification No. 219. I. dated the 9th February 1883;

"103. A. Whoever having the care or custody of any child under twelve years of age omits to prevent such child from committing a nuisance in or by the side of any street, shall be liable to a fine not exceeding Rupees five."

Penalty for omitting to prevent child from committing nuisance.

No. 23-84

25

RESIDENT'S OFFICE. *Serial No.* 6

[DRAFT.]—For approval.

*No.* 1488
1489

*Dated,* 6th ~~instant~~ April 1889.

~~To~~

[Here enter notification No. C.D. of 3d. April 1889 by the Govt. of India, Foreign Dept.]

A. No. 5

---

Copy forwarded to the President, Municipal Commission, & to Secy to Govt of Bengal, for information with reference to correspondence ending with his letter No. 678/3298 of 26th February 1889.

A. No. 3

Asst to the Resident

No.
23-4-89